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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,866	07/22/2003	Patrick J. Fitzgibbons	L0562.70046US00	7654

7590 12/21/2007	EXAMINER
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3653	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/624,866	FITZGIBBONS ET AL.
	Examiner	**Art Unit**	
	Mark Hageman	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US

7,012,211 to Brinkley. Brinkley discloses a method for sorting a plurality of items, to

each of which a sequence number is assigned (c7 lines 64+) into a predetermined

sorted sequence using a plurality of sorting regions (18, 14, 16, 20,), including for each

sort, at least two initial sorting regions (18 and c12 lines 4+), and at least two additional

sorting regions (14, 16, 20), at least one of the additional sorting regions functioning as

a return region (20 and c11 lines 37+), the items being initially located, in an unsorted

order, in the at least one initial sorting region (c12 lines 7+), the method comprising the

acts of: sorting the items in each of the at least two initial sorting regions into at least

one intermediary sorted set, in which the items are in a sorted order, by moving at least

some of the items at least one of the initial sorting regions between the at least one

initial sorting region and at least two of the additional sorting regions, such that two

items from different initial sorting regions are sorted into the same intermediary sorted

set; and sorting the items within each intermediary sorted set by moving at least some of the items to the return region in substantially the predetermined sorted sequence (20). Examiner contends that at any time the items in any one of the receivers are in order and constitute an intermediary sorted set as claimed.

With regards to claim 2, the reference further discloses using a computer to track the location of each of the plurality of items (col. 7, lines 65+).

With regards to claim 3, the reference further discloses the items are sorted in a single pass (c1 lines 55+).

With regards to claim 4, the reference further discloses conveying items from at least one of the return regions serially and in the predetermined sorted sequence (c11 lines 37+).

With regards to claim 5, the reference further discloses placing an identifier with each of the plurality of items (c7 lines 63+).

With regards to claim 6, the reference further discloses checking the identifier to ensure that the order of the items substantially matches the predetermined sorted sequence (col. 7, lines 65+).

With regards to claim 7, the reference further discloses the items are positioned linearly in the sorting regions (figures 1+).

With regards to claim 8, the reference discloses a computer is used to control the movement and positioning of the items according to a predetermined algorithm (c7 lines 63+).

With regards to claim 9, the reference further discloses an apparatus for sorting a plurality of postal bins comprising: a plurality of sorting regions (14, 16, 18, 20), wherein the plurality of sorting regions comprise for each sorting at least two initial regions (18 and c12 lines 4+), and) in which the postal bins are initially located in an unsorted order , and at least two additional sorting regions (14, 16, 20) at least one of the additional regions functioning as a return region (20 and c11 lines 37+) in which postal bins are located after completion of sorting; a first mechanism (20) for physically moving at least one postal bin between at least two selected sorting regions where the first mechanism is configured to move two items initially located in different initial regions into the same additional region; a second mechanism (12 and 20) for physically moving at least one item between positions within each sorting region; an postal bin location tracking mechanism (c7 lines 65+); and a controls operative for controlling the first and second mechanisms to move the postal bins into a predetermined sorted sequence by sorting the postal bins in each of the at least two initial sorting regions into at least one intermediary sorted set, in which the postal bins are in a sorted order, by moving postal bins in at least one of the initial sorting regions between the at least one initial sorting region and at least two additional sorting regions, such that two postal bins from different initial sorting regions are sorted into the same intermediary sorted set, and sorting the postal bins within each of the at least one intermediary sorted sets by moving at least some of the postal items to the return region in substantially the predetermined sequence (c11 lines 15+).

With regards to claim 10, the reference further discloses at least some of the

sorting regions are located one under another and wherein the first mechanism includes

an elevator (20)

With regards to claim 11, the reference further discloses the second mechanism

is a conveyor (12).

With regards to claim 12, the reference further discloses the controls include a

processor running a subroutine for issuing instructions according to a selected item

sorting algorithm (c11 lines 65+).

3.   Claims 1-9, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated

by US 7,112,756 to Hanson.   Hanson discloses a method for sorting a plurality of

items, to each of which a sequence number is assigned (c2 lines 40+) into a

predetermined sorted sequence using a plurality of sorting regions (102, 112a, 112b,

116), including for each sort, at least two initial sorting regions (102 and 112a) and at

least two additional sorting regions (112b and 116), at least one of the additional sorting

regions functioning as a return region (116) the items being initially located, in an

unsorted order, in the at least one initial sorting region (102 and 112a) the method

comprising the acts of: sorting the items in each of the at least two initial sorting regions

into at least one intermediary sorted set, in which the items are in a sorted order, by

moving at least some of the items at least one of the initial sorting regions between the

at least one initial sorting region and at least two of the additional sorting regions, such

that two items from different initial sorting regions are sorted into the same intermediary

sorted set; and sorting the items within each intermediary sorted set by moving at least some of the items to the return region in substantially the predetermined sorted sequence (c6 lines 10+). Examiner contends that at any time the items on carriage 112b are in sorted order and constitute an intermediary sorted set.

With regards to claim 2, the reference further discloses using a computer to track the location of each of the plurality of items (c5 lines 57+).

With regards to claim 3, the reference further discloses the items are sorted in a single pass (cc3 lines 40+).

With regards to claim 4, the reference further discloses conveying items from at least one of the return regions serially and in the predetermined sorted sequence (c6 lines 10+).

With regards to claim 5, the reference further discloses placing an identifier with each of the plurality of items (c2 lines 40+).

With regards to claim 6, the reference further discloses checking the identifier to ensure that the order of the items substantially matches the predetermined sorted sequence (c2 lines 40+).

With regards to claim 7, the reference further discloses the items are positioned linearly in the sorting regions (102, 112a, 112b).

With regards to claim 8, the reference discloses a computer is used to control the movement and positioning of the items according to a predetermined algorithm (c4 lines 30+).

With regards to claim 9, the reference further discloses an apparatus for sorting a plurality of postal bins comprising: a plurality of sorting regions (102, 112a, 112b, 116), wherein the plurality of sorting regions comprise for each sorting at least two initial regions (102 and 112a), and) in which the postal bins are initially located in an unsorted order, and at least two additional sorting regions (112b and 116) at least one of the additional regions functioning as a return region (116) in which postal bins are located after completion of sorting; a first mechanism (c6 lines 1+) for physically moving at least one postal bin between at least two selected sorting regions where the first mechanism is configured to move two items initially located in different initial regions into the same additional region; a second mechanism (c6 lines 10+) for physically moving at least one item between positions within each sorting region; a postal bin location tracking mechanism (110 and c5 lines 1+); and a controls operative for controlling the first and second mechanisms to move the postal bins into a predetermined sorted sequence by sorting the postal bins in each of the at least two initial sorting regions into at least one intermediary sorted set, in which the postal bins are in a sorted order, by moving postal bins in at least one of the initial sorting regions between the at least one initial sorting region and at least two additional sorting regions, such that two postal bins from different initial sorting regions are sorted into the same intermediary sorted set, and sorting the postal bins within each of the at least one intermediary sorted sets by moving at least some of the postal items to the return region in substantially the predetermined sequence (c5 lines 40+).

With regards to claim 11, the reference further discloses the second mechanism is a conveyor (c6 lines 10+).

With regards to claim 12, the reference further discloses the controls include a processor running a subroutine for issuing instructions according to a selected item sorting algorithm (c4 lines 30+).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.   The cited art not relied upon is very similar to the Hanson reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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